

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35372 of 2023

Arising Out of PS. Case No.-25 Year-2023 Thana- JAMHOR District- Aurangabad

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KANHAIYA KUMAR @ KANHAI KUMAR SONI @ KANHAI PRASAD
SONI Son of Gopal Prasad Soni R/o Village - Deohara, Ward No.- 7, P.S.-
Goh, Distt.- Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shri Prakash Tiwari

For the Opposite Party/s : Mr.Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 16-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 302, 394 of the Indian Penal Code.

3. As per FIR, while the younger brother of the informant was returning from Kolkata via train, some unknown miscreants jumped out of the train along with the younger brother of the informant and after looting his belongings they killed him.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. The petitioner is not named in the FIR



and he has falsely been implicated in this present case merely on the basis of confessional statement of co-accused. The informant is not an eye witness of the alleged occurrence and there is no specific allegation levelled against the petitioner. Similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 04.08.2023 passed in Cr. Misc No. 35013 of 2023. It is further submitted that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 27.03.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Jamhore P.S. Case No. 25 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional District and Sessions Judge, Aurangabad.

(Sunil Kumar Panwar, J)

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